IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA					
	Plaintiff,)	8:05CR306		
	vs.)	DETENTION ORDI	ER	
JA	MES L. FARLEY,)			
	Defendant.)			
A.	Order For Detention After conducting a detention had Reform Act on September 2, 2 detained pursuant to 18 U.S.C.	2005, the Co	ourt orders the above-nar	2(f) of the Bail ned defendant	
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 				
C.	distribute me 846; the poss of methamph 841(a)(1), ea imprisonment (b) The offense i (c) The offense i	trial Services ances of the conspiracy thamphetami ession with it etamine (Couch Count card a maxing a crime of varolves a nai	Report, and includes the offense charged: to distribute and possessine (Count I) in violation ntent to distribute in exceunts II and III) in violation rying a minimum sentencinum of forty years imprisoviolence.	following: s with intent to of 21 U.S.C. § ss of 50 grams of 21 U.S.C. § se of five years onment.	
	X (3) The history and cha (a) General Fact — The original Theorem (a) The original Theorem (b) The original Theorem (b) The original Theorem (c)	racteristics of ors: defendant ap affect whether defendant had defendant had defendant is redefendant defendant had defendant ha	est the defendant is high. If the defendant including: spears to have a mental of the defendant will appears to family ties in the are is no steady employment. In a some substantial financial fin	ar. a. resources. f the community. ant community g abuse. bhol abuse. nal record.	

DETENTION ORDER - Page 2

		(b)	At the time of the current arrest, the defendant was on: Probation
			Parole Release pending trial, sentence, appeal or completion of sentence.
		(c)	Other Factors: The defendant is an illegal alien and is subject to deportation.
			The defendant is a legal alien and will be subject to deportation if convicted.
			The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X	(4)	releas includ adher	nature and seriousness of the danger posed by the defendant's se are as follows: The defendant has a significant criminal record ing numerous felony convictions. He has a history of failing to e to court directives. He has a history of providing false information enforcement officers and resisting arrest.
X	(5)	In dete	ttable Presumptions ermining that the defendant should be detained, the Court also relied e following rebuttable presumption(s) contained in 18 U.S.C. §
	<u>X</u>		e) which the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A prime of violence; or
			 (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or
			penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
	<u>X</u>	_ (b)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:
			X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.
			(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device)

DETENTION ORDER - Page 3

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: September 2, 2005. BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge